

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NORTHERN CALIFORNIA RIVER )  
WATCH, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BAY AREA DIABLO PETROLEUM, )  
et al., )  
 )  
Defendant. )  
\_\_\_\_\_ )

No. C08-1613 BZ

**ORDER SCHEDULING HEARING ON  
PLAINTIFF'S MOTION FOR  
DEFAULT JUDGMENT**

**IT IS HEREBY ORDERED** that pursuant to the Court's discretion under Rule 55(b)(2) of the Federal Civil Rules of Civil Procedure, a hearing on plaintiff's motion for default judgment is set for **Wednesday, December 17, 2008, at 10:00 a.m.** in Courtroom G, 15th Floor, Federal Building, San Francisco, California, 94102.

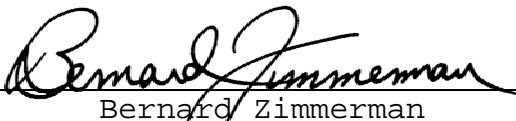
Claims for attorneys' fees should be supported by billing records. Compliance with 50 App. U.S.C. § 501 et seq. of the Servicemembers' Civil Relief Act may not be satisfied on information and belief. See 50 App. U.S.C. § 521(b)(1); United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn. 1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50

1 App. U.S.C. § 521(b)(1)). The public website  
2 <https://www.dmdc.osd.mil/scra/owa/home> will provide the  
3 current active military status of an individual and has  
4 instructions on obtaining certificates of service or non-  
5 service under the Servicemembers' Civil Relief Act.

6 Plaintiff should be prepared to prove its damages by  
7 competent testimony or other admissible evidence. If  
8 plaintiff intends to prove damages by affidavits or  
9 declarations, the affiant or declarant should have personal  
10 knowledge of all matters to which she testifies. For all  
11 evidence, proper foundations must be established. For an  
12 explanation of the evidentiary requirements for proving  
13 damages in a default case, the parties are encouraged to  
14 consult Chapter Six of Civil Procedure Before Trial by William  
15 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

16 Defendant should attend the hearing if it contests the  
17 validity or amount of plaintiff's claim. Seven days before  
18 the hearing, on **Wednesday, December 10, 2008**, plaintiff shall  
19 file a declaration setting forth in detail all steps taken to  
20 serve defendant with notice of this hearing.

21 Dated: November 12, 2008

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23 \_\_\_\_\_

24 Bernard Zimmerman  
United States Magistrate Judge

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